

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RICHARD SMITH,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION NO. 10-468 (MLC)

O R D E R

THE PLAINTIFF seeking review of a determination by the Social Security Administration ("SSA") (dkt. entry no. 1, Compl.); and the SSA filing an Answer on April 16, 2010, and the Administrative Record on April 21, 2010 (dkt. entry no. 7, Answer; unnumbered dkt. entry after dkt. entry no. 7, Admin. R.), see L.Civ.R. 9.1(a)(1); and the Court determining that the action should be prosecuted and resolved in a timely manner;¹ and for good cause appearing;

IT IS THEREFORE on this 29th day of April, 2010, **ORDERED**, pursuant to Local Civil Rule 9.1(a)(2), that the plaintiff will serve and electronically file a statement of the primary contentions or arguments for relief by 5 P.M. on **MAY 7, 2010;**² and

¹ This Order overrides any deadline that may be set by the Clerk's Office.

² The Court will disregard responses that are not filed electronically. The parties also must submit a hard copy of each document to Chambers.

IT IS FURTHER ORDERED that if the plaintiff fails to abide by the above directive, then the Complaint will be dismissed for lack of prosecution under Local Civil Rule 9.1(b) and Federal Rule of Civil Procedure 41(b) without further notice; and

IT IS FURTHER ORDERED, pursuant to Local Civil Rule 9.1(a)(2), that the SSA will serve and electronically file a notification as to whether it agrees that the plaintiff is entitled to relief by 5 P.M. on **JUNE 4, 2010**; and

IT IS FURTHER ORDERED that if the SSA fails to abide by the above directive, then the plaintiff should construe the lack of a response as notification that the SSA does not agree that the plaintiff is entitled to relief; and

IT IS FURTHER ORDERED, pursuant to Local Civil Rule 9.1(a)(3), that the plaintiff will serve and electronically file a brief setting forth all errors that entitle the plaintiff to relief by 5 P.M. on **JUNE 22, 2010**; and

IT IS FURTHER ORDERED that if the plaintiff fails to abide by the above directive, then the Complaint will be dismissed for lack of prosecution under Local Civil Rule 9.1(b) and Federal Rule of Civil Procedure 41(b) without further notice; and

IT IS FURTHER ORDERED, pursuant to Local Civil Rule 9.1(a)(4), that the SSA will serve and electronically file a brief in opposition within 30 days after the plaintiff files a brief; and

IT IS FURTHER ORDERED that if the SSA fails to abide by the above directive, then the SSA will be deemed to have waived the opportunity to respond, and the Court will refer to the plaintiff's brief only in resolving this dispute; and

IT IS FURTHER ORDERED, pursuant to Local Civil Rule 9.1(a)(5), that the plaintiff may serve and electronically file a reply brief within 10 days after the SSA files a brief in opposition; and

IT IS FURTHER ORDERED that if the plaintiff fails to abide by the above directive, then the plaintiff will be deemed to have waived the opportunity to reply, and the Court will refer to the plaintiff's main brief and the SSA's opposition brief only; and

IT IS FURTHER ORDERED that **NO ENLARGEMENTS OF TIME WILL BE GRANTED** to comply with any directive in this Order, even with the consent of all parties, barring extraordinary circumstances.³

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

³ Extraordinary circumstances do not include: (1) upcoming legal or religious holidays, (2) the parties or counsel being on vacation when this Order was issued, or upcoming vacation plans, (3) difficulty in registering for electronic filing, (4) difficulty in complying with the electronic filing rules, (5) time to conduct discovery, (6) difficulty with a computer or internet access, or (7) any purported failure to be timely notified of this Order.